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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,784	07/31/2001	Nigel Kevin Rushton	30960134-1	1437

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Hewlett \_ Packard Company  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

FABER, ALAN

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 07/02/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/917,784

Applicant(s)

RUSHTON ET AL.

Examiner

Alan Faber

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 4/2/04, 4/20/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-39, 50 and 51 is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-29, 40-42, 44-49 and 52-61 is/are rejected.
- 7) ☒ Claim(s) 10 and 43 is/are objected to.
- 8) ☒ Claim(s) 1-61 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.9.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. The IDS has been considered. Jewell and Kawada are cited as of interest.
2. Applicant's election without traverse of claims 1-61 in the reply filed on 4/20/04 is acknowledged.
3. A copy of reference no. EPO0942427, noted on page 2, line 10,11 of the specification, must be supplied.
4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
5. Claims 30-39,50,51 are allowed.
6. Claims 10, 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 12-22,40,51 are objected to because of the following informalities: in claim 51, "the channels" has no antecedent. In claim 40, "the comparison" has no antecedent. In claim 12, "the first and second transfer elements" have no antecedent. Appropriate correction is required.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 12-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim language of claim 12 is confusing. What is the first transfer zone? What is the second transfer zone? What is the first transfer element? What is the second transfer element? What is a first condition? What is a second condition? What is the first data storage element? What is the second data storage element? In claim 14, the phrase "may be" is not a positive structural recitation.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-9,11,23-29,40-42,44-49,52-61 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,353,176, hereinafter "Kosuge".

Kosuge shows the limitations of claims 1,23,41,52,57,58 drawn to a data transfer device, and associated method, adapted to transfer data from a data storage medium 13 having at least one data storage element (region adjacent heads 10,11) the data

transfer device comprising a head block having first and second transfer elements 10,11, the first and second elements 10,11 arranged such that when in use medium 13 moves past first and second transfer elements 10,11, at least one data storage element (region adjacent heads 10,11) is aligned with both the first and second data transfer elements 10,11, and wherein first element 10 is arranged to read data from a portion of the at least one data storage element (region adjacent heads 10,11) at a different time to the second element 11 being arranged to read data from the portion of at least one data storage element.

Kosuge shows the limitations of claims 2-4 drawn to tape 13 and fixed head 40.

Kosuge shows the limitations of claims 5,55,56,60,61 drawn to rewind (col. 6, ll. 37-43).

Kosuge shows the limitations of claims 6,24,40,45,53 drawn to head switch if one fails to read data (col. 6, ll. 47-57).

Kosuge shows the limitations of claims 42, 44 drawn to displacement element 12.

Kosuge shows the limitations of claims 54, 59 drawn to write head (col. 7, l. 58-col. 8, l. 2).

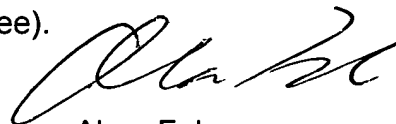
Kosuge shows the limitations of claims 11, 28, 29, 49 drawn to linear tape drive (Fig. 1).

Kosuge shows the limitations of claims 7-9, 25-27, 46-48 drawn to the limitations of control 2,8, col. 6, ll. 25-46.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Faber whose telephone number is (703) 308-4816. The examiner can normally be reached on flextime (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Faber  
Primary Examiner  
Art Unit 2651

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